

**ASSEMBLY BILL**

**No. 501**

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**Introduced by Assembly Member Emmerson**

February 24, 2009

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An act to add Section 2088 to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as introduced, Emmerson. Physicians and surgeons: limited license.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law authorizes the board to issue a probationary license subject to specified terms and conditions, including restrictions against engaging in certain types of medical practice. Existing law authorizes a licensee who demonstrates that he or she unable to practice medicine due to a disability to request a waiver of the license renewal fee. Under existing law, a licensee granted that waiver is prohibited from practicing medicine until he or she establishes that the disability no longer exists or signs an agreement, under penalty of perjury, agreeing to limit his or her practice in the manner prescribed by the reviewing physician.

This bill would authorize an applicant for a license who is otherwise eligible for a license but is unable to practice some aspects of medicine safely due to a disability to receive a limited license if the applicant pays the license fee and signs an agreement, under penalty of perjury, agreeing to limit his or her practice in the manner prescribed by the reviewing physician and agreed by the board. By requiring that the agreement be signed under penalty of perjury, the bill would expand

the scope of a crime, thereby imposing a state-mandated local program. The bill would authorize the board to require the applicant to obtain an independent clinical evaluation of his or her ability to practice medicine safely as a condition of receiving the limited license.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2088 is added to the Business and  
2 Professions Code, to read:

3 2088. (a) An applicant for a physician's and surgeon's license  
4 who is otherwise eligible for that license but is unable to practice  
5 some aspects of medicine safely due to a disability may receive a  
6 limited license if he or she does both of the following:

7 (1) Pays the initial license fee.

8 (2) Signs an agreement on a form prescribed by the board, signed  
9 under penalty of perjury, in which the applicant agrees to limit his  
10 or her practice in the manner prescribed by the reviewing physician  
11 and agreed to by the board.

12 (b) The board may require the applicant described in subdivision  
13 (a) to obtain an independent clinical evaluation of his or her ability  
14 to practice medicine safely as a condition of receiving a limited  
15 license under this section.

16 SEC. 2. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

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